

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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Joseph Crotty, :  
: Civil Action No.: \_\_\_\_\_  
Plaintiff, :  
v. :  
Sterling Infosystems, Inc. d/b/a Sterling Talent :  
Solutions, : **COMPLAINT**  
Defendant. :  
:  
:

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For this Complaint, Plaintiff, Joseph Crotty, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the "FCRA").
2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

4. Plaintiff, Joseph Crotty ("Plaintiff"), is an individual residing in Downers Grove, Illinois, and is a "consumer" as that term is defined by 15 U.S.C. § 1681a(c).
5. Defendant, Sterling Infosystems, Inc. d/b/a Sterling Talent Solutions ("Sterling"), is a New York business entity with an address of 1 State Street Plaza, New York, New York

1000. Sterling is a consumer reporting agency as the term is defined by 15 U.S.C. § 1681(a)(f) and a reseller as the term is defined by 15 U.S.C. § 1681(a)(u). Sterling is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined by 15 U.S.C. § 1681(a)(d), to third parties.

### **FACTS**

6. On March 23, 2018, Plaintiff was offered a job for a Recruiter position at Vitas Healthcare.

7. Plaintiff accepted the offer on March 26, 2018.

8. Thereafter, Vitas submitted Plaintiff's information to Defendant for a background screening report.

9. Defendant performed the background screening report, which included a criminal records search, and furnished the results to Vitas.

10. Upon Vitas' receipt of the report, Plaintiff was informed that the offer was rescinded.

11. The inaccurate report contained damaging information to Plaintiff's character and reputation. Specifically, the report provided that Plaintiff was convicted of a felony in 2011.

12. However, the information provided by Defendant to Vitas is inaccurate, as the case was actually a misdemeanor.

13. In addition to having his job offer rescinded, Plaintiff has suffered actual damages in the form of harm to reputation and emotional distress, including anxiety, frustration, embarrassment and humiliation.

14. Defendant failed to take any steps to verify the accuracy of the information contained in Plaintiff's report before furnishing it to Vitas.

15. At all times pertinent hereto, the conduct of Defendant, as well as that of its agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent disregard of federal law.

**COUNT I**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. 15 U.S.C. § 1681e(b) provides that “[w]henever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.”

18. In addition, 15 U.S.C. § 1681d(d)(3) provides that “a consumer reporting agency shall not furnish an investigative consumer report that includes information that is a matter of public record and that relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information during the 30-day period ending on the date on which the report is furnished.”

19. Defendant violated §§ 1681e(b) and 1681d(d)(3) of the FCRA by failing to follow reasonable procedures to assure maximum accuracy of the information contained in its report and by failing to verify the accuracy of the information contained in its report.

20. These failures directly caused Vitas to rescind Plaintiff’s job offer, which has damaged Plaintiff.

21. As a result of Defendant’s violations of §§ 1681e(b) and 1681d(d)(3) of the FCRA, Plaintiff is entitled to damages, costs, and attorney’s fees pursuant to 15 U.S.C. §§ 1681n and 1681o.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendants:

1. Statutory damages pursuant to 15 U.S.C. § 1681n(a)(1)(B);
2. Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);
3. Punitive damages pursuant to 15 U.S.C. § 1681n(a)(2);
4. Attorneys' fees and costs pursuant to 15 U.S.C. §§ 1681n(a)(3) and 1681o(a)(2);  
and
5. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: May 4, 2018

Respectfully submitted,

By /s/ Sergei Lemberg \_\_\_\_\_

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